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**OFFICE OF PETITIONS  
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**ON PETITION**

In re Application of  
Yi Wang et al.  
Application No. 08/867,612  
Filed: June 2, 1997  
Attorney Docket No. ALX-149

This is a decision on the petition under 37 CFR 1.137(b), filed November 8, 2000, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed November 10, 1999, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on February 11, 2000.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$840 extension of time submitted with the petition on November 8, 2000 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

The power of attorney filed concurrently with the petition is not acceptable and will not be entered since compliance with 37 CFR 3.373(b) has not been satisfied.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (703) 306-5684.

The application file is being forwarded to Technology Center 1600.

  
Irvin Dingle

Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy